



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Application of : Docket No.: 5169-0011-1-1
Stephen C. Wardlaw : Date: October 24, 2005
Serial No.: 10/733,542 : Group Art Unit: 2863
Filed On: December 11, 2003 : Examiner: A. Bhat

TITLE: APPARATUS FOR PROVIDING QUALITY CONTROL
IN AN INSTRUMENT FOR MEDICAL ANALYSIS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION
OVER A "PRIOR" U.S. PATENT

Dear Sir:

The owners, Robert A. Levine, Stephen C. Wardlaw and Wardlaw Partners, LP, of 100 percent interest in the instant application hereby disclaim, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term prior U.S. Patent No. 6,748,337 as the term of said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said prior patent is presently shortened by any terminal disclaimer. The owners hereby agree that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owners do not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, "as the term of said prior patent is presently shortened by any terminal

10/27/2005 WASFAN1 00000037 10733542
02 Fct:2014
65.00 QP

disclaimer," in the event that said prior patent later: a) expires for failure to pay a maintenance fee; b) is held unenforceable; c) is found invalid by a court of competent jurisdiction; d) is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321; e) has all claims canceled by a reexamination certificate; f) is reissued; or g) is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

A check in the amount of \$125.00 is enclosed herewith, \$65.00 of which is for the terminal disclaimer fee.

Respectfully submitted,

By Richard D. Getz

Richard D. Getz
Registration No. 36,147
Attorney for the Applicant
O'Shea, Getz & Kosakowski, P.C.
1500 Main Street, Suite 912
Springfield, MA 01115
413-731-3100